

Schieve discloses a method for remote diagnosis of personal computers including an independent diagnostic environment having a set of diagnostic routines. In Schieve, the diagnostic routines are stored in non-volatile memory. See column 4, lines 1-3 and lines 63-65 of Schieve.

Schieve fails to suggest a computer program including a remote data recovery operating program pre-recorded on a removable storage medium, the removable storage medium being loaded into a removable media storage device of the local computer, as recited by claim 1. In fact, Schieve teaches away from storing a diagnostic program on a removable storage medium. See column 1, lines 46-62 of Schieve, which criticizes diagnostic code stored on removable storage media such as disks.

Cheffetz is cited for disclosing a computer network for backing up computer data and program files onto a backup media for subsequent restoration in the event such files are inadvertently corrupted or destroyed. Assuming for the purpose of this response only that this characterization of Cheffetz is accurate, Cheffetz fails to remedy the shortcomings of Schieve noted above.

Therefore, for at least these reasons, the combination of Schieve and Cheffetz fail to render claim 1, as well as claims 2, 3, 7, and 8 that depend therefrom, obvious. Reconsideration and allowance are respectfully requested.

Claim 4 is directed to a method of data recovery including, inter alia, establishing a communications link between a local computer, including a data storage device, and a remote data recovery computer, diagnosing the data storage device, and rectifying data on the data storage device of the local computer.

Neither Schieve nor Cheffetz disclose or suggest rectifying data on a data storage device, as recited by claim 4. The rejection cites column 3, lines 44-63 of Schieve as disclosing rectification of data on a local computer. This characterization of Schieve is respectfully traversed.

Schieve discloses, at column 3, lines 44-63, diagnosis of faults on a personal computer. However, Schieve fails to disclose or suggest rectification (i.e., the removal of errors) of data, as recited by claim 4. Instead, Schieve simply describes diagnosis of faults on a computer, and not rectification of data.

As previously noted, Cheffetz discloses a computer network for backing up computer programs onto storage media. Cheffetz fails to disclose or suggest diagnosis or rectification of data.

Therefore, for at least these reasons, claim 4, as well as claim 5 that depends therefrom, should be allowable. Reconsideration and allowance of claims 4 and 5 are respectfully requested.

In section 5 of the Office Action, the Examiner noted that claim 11 is allowable. The Examiner's identification of allowable subject matter is appreciated. All claims, as now presented, should be in condition for allowance.

Claims 9, 10, and 12-17 were not specifically addressed in the Office Action. Applicant respectfully requests that claims 9, 10, and 12-17 be specifically addressed in any future rejection. Examples of distinguishing elements included in these claims follow.

Claim 9 is directed at a modulated signal having computer executable instructions including, inter alia, downloading a data recovery application program from a remote data recovery computer. Neither Schieve nor Cheffetz disclose downloading a data recovery application program from a remote data recovery computer. For at least this reason, claim 9 should be allowable. Reconsideration and allowance are requested.

Claim 10 is directed to a data recovery system and recites, inter alia, a plurality of remote data recovery computers including a first data recovery computer and a remote server. Claim 10 further recites that the local computer establishes communications with the remote server, and the remote server, in turn, establishes communications with the first remote data recovery computer for establishing remote control of the local computer and recovering data. Neither Schieve nor Cheffetz disclose a data recovery system configured as recited by claim 10. For at least these reasons, claim 10, as well as claims 11 and 12 that depend therefrom, should be allowable. Reconsideration and allowance are requested.

Claim 13 is directed to a method for remotely recovering data from a local computer. Claim 13 recites, inter alia, downloading a data recovery application from a first remote server, and establishing communications with a first remote data recovery computer, through a second remote server, for establishing remote control of the local computer and recovering data. Neither Schieve nor Cheffetz disclose a method for remotely recovering data as recited by claim 13. For at least these reasons, claim 13, as well as claims 14-17 that depend therefrom, should be allowable. Reconsideration and allowance are requested.

In view of the above remarks, claims 1-5 and 7-17 are in condition for allowance.  
Reconsideration and allowance are respectfully requested. The Examiner is encouraged to contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,  
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